

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE TESLA INC. STOCKHOLDER
DERIVATIVE LITIGATION

§ Lead Case No. 1:22-cv-00592-DAE

§ (Consolidated with Case No. 1:22-cv-00611-
§ DAE)

This Document Relates To:

All Cases

**AGREED MOTION TO MODIFY MOTION TO DISMISS AMENDED
CONSOLIDATED COMPLAINT BRIEFING**

COMES NOW plaintiff Alvin Janklow ("Plaintiff"), individual defendant Elon Musk, and nominal defendant Tesla, Inc. ("Defendants" and with Plaintiff, the "Parties") move to modify the current deadlines for briefing the Defendants' Motion to Dismiss Plaintiffs' Amended Consolidated Complaint (the "Motion to Dismiss"). In support of this motion, the Parties state and propose as follows:

1. On October 10, 2023, the Court entered an order granting the Agreed Motion to Modify Deadline to File Amended Complaint (ECF No. 71) (the "Order").
2. On November 6, 2023, Plaintiff filed his Verified Amended Consolidated Stockholder Derivative Complaint for Breach of Fiduciary Duty and Violation of Securities Law (ECF No. 76) ("Amended Consolidated Complaint").
3. On December 18, 2023, Defendants filed their Motion to Dismiss the Amended Consolidated Complaint (ECF No. 78).
4. Pursuant to the Order, Plaintiff's opposition to the Motion to Dismiss is currently due February 1, 2024.

5. In light of certain unanticipated scheduling conflicts affecting Plaintiff's counsel in this matter, the parties have agreed to an extension of Plaintiff's deadline to file the Amended Complaint, to February 15, 2024.

6. Defendants shall have until March 21, 2024, to file and serve a reply in further support of their Motion to Dismiss.

7. The agreed-to extension is not entered into for purposes of delay and will not result in any prejudice.

8. In the event the Court does not issue an order in accordance with this motion, the undersigned will not argue that Plaintiff failed to timely file an opposition to the Motion to Dismiss, or that Defendants failed to timely file a reply in further support of their Motion to Dismiss.

WHEREFORE, the Parties pray for an order extending the time for Plaintiff's filing of the Amended Complaint, and the Parties' briefing schedule as set forth in this motion.

Dated: January 23, 2024

Respectfully submitted,

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BRIAN J. ROBBINS
CRAIG W. SMITH (admitted *pro hac vice*)

/s/ Shane P. Sanders

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Dated: January 23, 2024

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Counsel for Defendants Elon Musk and Nominal Defendant Tesla, Inc.

CERTIFICATE OF CONFERENCE

I certify that on January 23, 2024, I conferred with counsel for defendants, Rebecca Lockert of Freshfields Bruckhaus Deringer US LLP, regarding the substance of this motion and she stated that Defendants agree with the relief requested herein.

/s/ Shane P. Sanders
SHANE P. SANDERS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed with the Court's electronic case filing (ECF) system on January 23, 2024, which caused an electronic copy of this document to be served on all counsel of record in this matter who have registered for ECF service.

/s/ Shane P. Sanders
SHANE P. SANDERS

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